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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:  
Date: July 21, 2005 Name: John Murray, Ph.D. Signature: John Murray

BRINKS  
HOFER  
GILSON  
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Charkrabarty et al.

Appln. No.: 10/720,603

Filed: November 24, 2003

For: Cytotoxic Factors For Modulating Cell Death

Attorney Docket No: 11472/11

Examiner: N/A

Art Unit: N/A

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Second Supplemental Information Disclosure Statement, Form PTO 1449 with references  
☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.  
☐ Small Entity.  
☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).  
☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).  
☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

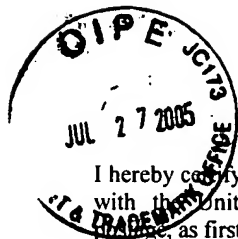
Fee payment:

- ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.  
☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.  
☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).  
☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

Date July 21, 2005

John Murray  
John Murray, Ph.D. (Reg. No. 44,251)



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on July 21, 2005

Date of Deposit

John Murray

Name of applicant, assignee or  
Registered Representative

*John Murray*

Signature

*July 21, 2005*

Date of Signature

Our Case No. 11472/11

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Chakrabarty *et al.*

Serial No.: 10/720,603

Filing Date: November 24, 2003

For: Cytotoxic Factors For Modulating  
Cell Death

Examiner: Not assigned

Group Art Unit No.: Not Assigned

## SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

COMMISSIONER FOR PATENTS  
P.O. BOX 1450 ALEXANDRIA, VA 22313-1450

Dear Sir:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56, it is respectfully  
requested that this Information Disclosure Statement be entered and the documents  
listed on the attached Form PTO-1449 be considered by the Examiner and made of  
record.

In accordance with 37 C.F.R. § 1.97(g),(h), this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed to be an admission that the information cited is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

This Information Disclosure Statement is believed to be filed before the mailing of the first Office Action on the merits and hence is believed to be timely filed in accordance with 37 C.F.R. § 1.97(b). No fees are believed to be due in connection with filing of this Information Disclosure Statement. However, should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for any reason relating to these materials, the Commissioner is hereby authorized to deduct said fees from Brinks Hofer Gilson & Lione Deposit Account No. 23-1925. A duplicate copy of this document is enclosed.

This application claims benefit of provisional application number 60/414,550, filed August 15, 2003, and is a continuation-in-part of U.S. Patent Application Serial Number 10/047,710, filed January 15, 2002, which claims benefit of provisional application U.S. Ser. No. 60/269,133, filed February 15, 2001. These prior applications are relied upon for an earlier filing dated under 35 U.S.C. §§ 119 and 120. The following documents are cited:

US 5,681,810	Oct 28, 1997	Villemez et al.
US5,972,899	Oct 26, 1999	Zychlinsky et al.


Vasu Punj <i>et al.</i> , "Bacterial Cupredoxin azurin as an inducer of apoptosis and regression in human breast cancer", <i>Oncogene</i> (2004) 23, 2367-78.
Voet <i>et al.</i> , (Biochemistry, 1990, John Wiley & Sons, pp. 415-17, 932 and 933)
Definition of "necrosis" as "to make dead" according to Merriam-Webster Online dictionary downloaded from URL >> <a href="http://www.m-w.com">www.m-w.com</a> on 4/25/2005

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed non U.S. patent reference for which a copy is required under 37 C.F.R. §1.98(a)(2).

If, for any reason, the Examiner feels that an interview would be helpful to resolve any issues, he is respectfully requested to contact the undersigned attorney at (312) 321-4229.

Respectfully submitted,

Date: July 21, 2005

  
\_\_\_\_\_  
John Murray, Ph.D.  
Registration No. 44,251  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
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FORM PTO-1449	SERIAL NO. 10/720.603	CASE NO. 11472/11
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE November 24, 2003	GROUP ART UNIT Not Assigned
(use several sheets if necessary)	APPLICANT(S): Das Gupta et al.	

## REFERENCE DESIGNATION

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	C1	US 5,681,810	Oct 28, 1997	Villemez et al.		
	C2	US5,972,899	Oct 26, 1999	Zychlinsky et al.		

## FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	C3	Vasu Punj et al., "Bacterial Cupredoxin azurin as an inducer of apoptosis and regression in human breast cancer", Oncogene (2004) 23, 2367-78.
	C4	Voet et al., (Biochemistry, 1990, John Wiley & Sons, pp. 415-17, 932 and 933)
	C5	Definition of "necrosis" as "to make dead" according to Merriam-Webster Online dictionary downloaded from URL>>www.m-w.com on 4/25/2005

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.